IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 2294 of 2007(W)

PETITIONERS:

1.K.M.ABDUL RAZAK, KAROTHUKUDY HOUSE,
ALLAPRA P.O. KANDATHARA, PERUMBAVOOR.

2.SALIM.K.K. KOKKADEN HOUSE,
ALLAPRA P.O. KANDATHARA, PERUMBAVOOR.

3.M.J.JOY, MANEKKUDY HOUSE,
KAMBANAD P.O. VENGOOR VIA, ERNAKULAM.

4.NOUSHAD K.A. KALARIKKAMUSAL HOUSE,
PERINGALA P.O. PINARMUNDA KARA.

5.ABDULLA.T.K.ANZAR MANZIL,
NEAR WATER AUTHORITY, ALUVA.

6.ALIYAR S.A. SRAMPUKKAL,
VALLAMKARA, CHALAMAOTTOM.

7.MATHEW V.O. VATTAKKATTU HOUSE,
WEST VENGOLA P.O. PERUMBAVOOR.

8.ELDHO K. CHERIAN, KANJIRATHUMKUDY HOUSE,
ARUVAPPRA P.O. NEDUNGAPRA.

9.RASSAC.V.P. VADAKKEKUDY HOUSE,
RAYONPURAM P.O.

10.EBRAHIM A.P. AANIKKATTU HOUSE,
CHOWARA P.O. THETTALI.

11.JAMAL C.H. CHINDATHIL VEEDU,
ALLAPRA P/.O. VENGOLA.

12.JOHNSON SAMUEL, MENOTHUMALI,
RAYELPURAM P.O. KANJIRAKKAD.

13.ABDUL AZEEZ, NATHEKKADU VEEDU,
MARAPPILLY P.O. NORTH EZHIPPURAM.

14.EBRAHIM V.A. VALAIPPILLY VEEDU,
BRAHMAPURAM.

15.ABDUL RAHIM M.M. MALIYAL VEEDU,
KALARIKAMUSAL HOUSE, PINRMUNDA KARA,
PERINGOLA P.O.

16.JASMINE SHAFFEQ, NANETHAN VEEDU,
RAYONPURAM P.O. VALLAM.

17.SHIJI JACOB, MULEKUDY VEEDU,
NEAR K.S.R.T.C. BUS STAND, PERUMBAVOOR.

18.EBRAHIM, MULLASSERY VEEDU,
CHOVVARA P.O. PERUMBAVOOR.

BY ADV. SRI.G.JANARDHANA KURUP (SR.)
SRI.JOHN K.GEORGE
SMT.S.SULOCHANA
SRI.K.S.ARUN KUMAR
SRI.E.C.BINEESH

RESPONDENTS:

1.PERUMBAVOOR MUNICIPAL COUNCIL,
REPRESENTED BY ITS CHAIRMAN.

2.PERUMBAVOOR MUNICIPALITY,
REPRESENTED BY ITS SECRETARY.

BY ADV.MR.V.M.KURIAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.2294 of 2007

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Dated: 19th January, 2007

JUDGMENT

Against Ext.P1 and similar orders passed by the Secretary of the Municipality enhancing the monthly rent payable for the rooms in the shopping complex of the Municipality occupied by them, the petitioners have submitted Ext.P2 representation before the Secretary of the Municipality. As rightly submitted by the learned Standing Counsel for the Municipality the petitioners have a statutory remedy by way of appeal against Ext.P1 to the Municipal Council. Instead of pursuing that remedy what the petitioners have done is to file representations like Ext.P2 before the Secretary himself. Under these circumstances, I am of the view that the Council of the Municipality shall construe Ext.P2 as an appeal preferred by the petitioners before them against Ext.P1 and similar orders passed by the Secretary. The Secretary of the Municipality will place Ext.P2 before the Council which will entertain Ext.P2 (notwithstanding the delay which has been caused in the appeal) as an appeal preferred by the petitioners against Ext.P1 and similar orders and hear a representative of the petitioners and take a decision on Ext.P2 at the earliest and at any rate within two months of receiving a copy of this

judgment. Till such time as the appeal is disposed of by the Municipal Council, the petitioners will continue to remit the amounts demanded by the Municipality which will be subject to the final outcome of Ext.P2 appeal.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**